

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Numbering Resource)	
Optimization)	
)	
Implementation of the Local)	CC Docket 99-200
Competition Provision of)	
The Telecommunications Act)	
of 1996)	

**COMMENTS
Of
UNITED STATES CELLULAR CORPORATION**

United States Cellular Corporation ("USCC") hereby files its comments on the Petition of the California Public Utilities Commission ("CPUC") asking the FCC for a waiver of the FCC's "contamination threshold requirement."¹ USCC provides cellular and PCS service in markets throughout the country, including three Rural Service Area (RSA) markets in California. USCC opposes the CPUC's waiver petition and asks that it not be granted.

¹ See Section 52.20(c)(1) of the FCC's Rules; Public Notice, "Wireline Competition Bureau seeks Comment on the Petition of The California Public Utilities Commission and The People of California For Waiver of The Federal Communications Commission's Contamination Threshold Rule," DA 02-2822, CC Docket No. 99-200, released October 24, 2002.

I. The Proposed Change in the "Contamination" Threshold Would Impose Undue Burdens on Wireless Carriers When they Are Just Beginning To Implement Number Pooling

The FCC's "contamination" rule, adopted in 2000, requires:

"all service providers required to participate in thousands-block number pooling shall donate thousands blocks with less than ten percent contamination to the thousands-block number pool for the rate center within which the numbering resources are assigned.²

Thus, all pooling-capable carriers are now required to "donate" to local state numbering authorities all of their "thousands blocks" of numbers in which they are using fewer than 101 numbers. The CPUC petition asks a waiver of that requirement in California and an increase in the threshold to 251 numbers. Thus, at present, a number block is "saved" for a wireless carrier if the carrier is using, say, 150 numbers. Under the CPUC proposal, the unused portion of that number block would be lost.

The pooling requirement arguably became applicable to wireless carriers on November 24, 2002. However, that it is uncertain.

In July, 2002, the FCC determined that wireless carriers had "an obligation" to participate in thousands-block number pooling by November 24, 2002.³ The Commission, however, has not amended Section 52.20(b) of its rules, which provides

² Section 52.20(c)(1) of the FCC's Rules; In the Matter of Numbering Resource Optimization, Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 99-200, 15 FCC Rcd 7574, 7661, ¶191 (2000) (First Report and Order).

³ See In the Matter of Verizon Wireless's Petition for Partial Forbearance from the Commercial Mobile Radio Service, Number Portability Obligation and Telephone Number Portability, WT Docket No. 01-184, CC Docket No. 95-116, Memorandum Opinion and Order, FCC 02-215, released July 26, 2002, ¶31. (Forbearance Order)

that the requirement of providing number "pooling" only applies to carriers "capable of providing local number portability." The number portability requirement will not become applicable to wireless carriers until November, 2003, and even then only in the "top 100" MSAs.⁴ This inconsistency has produced doubt about the number pooling requirement actually now applicable to wireless carriers.

However, despite the legal uncertainty of the pooling requirement and the practical difficulties of implementing it, wireless carriers, including USCC, have conscientiously attempted to comply with it.

The change from a number allocation system in which wireless carriers received "blocks" of 10,000 numbers on a permanent basis to one in which carriers will receive numbers in blocks of only 1,000 and must "donate" thousands blocks they now have if they haven't used at least 101 of the numbers in the block, is a huge change in numbering practices and one which will impose multiple inconveniences on CMRS carriers. Further, it is a change which was unnecessary from the standpoint of wireless carriers, as they have continually increasing customer bases and thus eventually use all the numbers they receive in any case.⁵

Thus, wireless carriers' continuing need for numbers and the legally uncertain status of the pooling requirement are good reasons for not making that requirement even more onerous for wireless carriers than it already is, which would be the result of a grant of this waiver request.

⁴ *Ibid.*, ¶31.

⁵ According to CTIA, as of December 11, 2002, there were 137, 458, 902 wireless subscribers in the US, as opposed to approximately 9 million wireless subscribers in 1992. See also Telecommunications Reports, (on line edition), "Wheeler to Leave CTIA At the End of The Year," December 4, 2002.

Also, allowing individual states to choose different contamination thresholds will greatly increase the difficulty which multi-state carriers will have in developing systems to determine when to request additional numbers.

Also, in addition to these generally applicable arguments, USCC wishes to note one additional practical difficulty it has experienced in the implementation of number pooling, which a grant of the CPUC waiver would exacerbate by reducing USCC's inventory of available numbers.

As the FCC has noted in the Forbearance Order, supra (§§ 23, 31), both number pooling and number portability are dependent on a "separation" of the Mobile Directory Numbers (MDNs) and Mobile Identification Numbers (MINs) employed by wireless carriers. Those numbers have hitherto been the same and have corresponded to a customer's "telephone number." Now they will be "split" to enable customers MDNs to be different from the MDNs recognized by the network to facilitate number portability and pooling.

At present, USCC's main switch vendor, Nortel, cannot process the assignment of a number as an MIN if that number is already in service as an MDN. USCC and Nortel are working hard on a solution to this problem and anticipate a "patch" solution sometime soon.

However, until that solution is obtained, USCC cannot reuse as an MDN a number already in use as an MIN and thus will require more numbers than it will when the problem is solved.

USCC's difficulty reflects a larger problem, namely that a time when CMRS carriers will not be able to obtain numbers in the amounts they have previously, and

when they will be actually losing numbers through the donation process, they should not be made to give up even more numbers through a higher contamination threshold. As with the CPUC's other pending petition in this docket, dealing with overlay area codes,⁶ the FCC action requested by the CPUC will increase the burdens of wireless carriers in order to extend the life of area codes for the benefit of wireline customers. And, as with the other petition, we consider this waiver request to be unfair and not in the general public interest.

Conclusion

For the foregoing reasons, we ask that the CPUC waiver request be denied.

Respectfully submitted,

UNITED STATES CELLULAR
CORPORATION

By /s/ Peter M. Connolly
Peter M. Connolly
Holland & Knight LLP
2099 Pennsylvania Avenue, N.W. #100
Washington, DC 20006
(202) 862-5989

Its Attorney

December 13 , 2002

WAS1 #1143455 v1

⁶ See Public Notice, "Wireless Bureau Seeks Comments on the Petition of California Public Utilities Commission For Authority to Implement Technology—Specific Overlays, DA 02-2845, CC Docket 99-200, released October 24, 2002.